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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,440	12/30/2003	Harold S. Friedman		2377

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EXAMINER	
PICO, ERIC E	

ART UNIT	PAPER NUMBER
3654	

DATE MAILED: 11/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/748,440	FRIEDMAN ET AL.	
	Examiner	Art Unit	
	Eric Pico	3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 September 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claim(s) 1 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Lazar U.S. Patent No. 4700809 in view of Akira JP Publication No. 06-144748 and Brounn U.S. Patent No. 3631942.

3. **Regarding claim 1**, Lazar discloses an elevator cab, referred to as elevator car 26, construction including shell panels, referred to as flat rectangular sheet-metal panel 50, 60, 70, forming the interior walls of the cab 26 with a ceiling, referred to as top panel 80, and platform, referred to as base 28, and stiffeners, referred to as vertical corrugations 69, 79, on the interior of the shell panels 60, 70 to provide suitable support.

4. Lazar is silent concerning vertical corner trim stiffeners in the corners of the cab supporting the shell panel and decorative panels mounted on the shell panels on the interior of the cab and mounted between the stiffeners.

5. Akira teaches an elevator cab construction including shell panels, referred to as side plates 1 forming the interior walls of the cab with a ceiling 12 and platform 8, and vertical corner trim stiffeners, referred to as pillars 3 and joints 4, in the corners of the cab supporting the shell panel 1.

6. Brounn teaches an elevator cab construction including stiffeners, referred to as intermediate columns 38, 39, 60, 65, to provide suitable support and decorative panels, referred to as wall panels 28, 29, 30, 45, 46, 52, 53, mounted on the interior of the cab and mounted between the stiffeners 38, 39, 60, 65.

7. It would have been obvious to one of ordinary skill in the art at the time of the invention to include stiffeners as taught by Akira on the interior of the shell panels disclosed by Lazar to facilitate support.

8. Furthermore, it would have been obvious to one of ordinary skill in the art at the time of the invention to mount decorative panels as taught by Brounn on the shell panels on the interior of the cab and between the stiffeners disclosed by Lazar to provide a decorative finish to the interior of the elevator cab.

9. Claim(s) 2 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Lazar U.S. Patent No. 4700809 in view of Akira JP Publication No. 06-144748 and Brounn U.S. Patent No. 3631942 as applied to claim 1 above, and further in view of Sherwood et al. U.S. Patent No. 4635756.

10. **Regarding claim 2**, Lazar is silent concerning the shell panels have openings to the elevator shaft to provide ventilation through stiffeners.

11. Sherwood et al. teaches shell panels, referred to as panel member 50, having openings, referred to as ventilating openings 68, 70, to the elevator shaft to provide ventilation.

12. It would have been obvious to one of ordinary skill in the art at the time of the invention to have openings as taught by Sherwood et al. on the shell panels disclosed by Lazar to facilitate ventilation within the elevator cab.

13. Claim(s) 3-5 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Lazar U.S. Patent No. 4700809 in view of Akira JP Publication No. 06-144748. Brounn U.S. Patent No. 3631942, and Sherwood et al. U.S. Patent No. 4635756 as applied to claim 2 above, and further in view of Norihisa et al. JP Publication No. 06-001569.

14. **Regarding claim 3**, Lazar is silent concerning the stiffeners are vertical and separate strips of stiff material attached vertically to the shell panels.

15. Norihisa et al. teaches stiffeners 25 are vertical and separate strips of stiff material attached vertically to shell panels, referred to as inner walls 21.

16. It would have been obvious to one of ordinary skill in the art at the time of the invention to vertically attach stiffeners that are vertical and separate strips of stiff material as taught by Norihisa et al. to the shell panels disclosed by Lazar to facilitate stiffening of the shell panels.

17. **Regarding claim 4**, Lazar is silent concerning decorative panels are approximately the same thickness as the vertical stiffeners and extend inwardly from the shell panels.

18. Brounn teaches decorative panels 28, 29, 30, 45, 46, 52, 53 are approximately the same thickness as the vertical stiffeners 38, 39, 60, 65, shown in Figure 2, and extend inwardly.

19. It would have been obvious to one of ordinary skill in the art at the time of the invention to make the decorative panels as taught by Brounn approximately the same thickness as the vertical stiffeners disclosed by Lazar to facilitate the internal width and depth of the elevator cab.

20. **Regarding claim 5**, Lazar discloses vertical stiffeners 69, 79 are channel-shaped.

21. Claim(s) 6-11 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Lazar U.S. Patent No. 4700809 in view of Akira JP Publication No. 06-144748. Brounn U.S. Patent No. 3631942, Sherwood et al. U.S. Patent No. 4635756, and Norihisa et al. JP Publication No. 06-001569 as applied to claim 5 above, and further in view of Seki JP Publication No. 05-330765.

22. **Regarding claim 6**, Lazar is silent concerning the shell panels are attached to the platform by a base section and to the ceiling by a transom riser section offset from the plane of the shell panels.

23. Brounn teaches a base section, referred to as bottom beams 35, 59, 62, attached to the platform, referred to as floor portion 11, and a transom riser section, referred to as top beams 34, 56, 61, attached to a ceiling 14.

24. Seki teaches a transom riser section, shown as the top section of side plate 3, offset from the plane of a shell panels, referred to as reinforcement 9, attached to a ceiling.

25. It would have been obvious to one of ordinary skill in the art at the time of the invention to attach the shell panels disclosed by Lazar to a platform by a base section

and to a ceiling by a transom riser section as taught by Brounn to facilitate a rigid elevator cab and the connection between the shell panels and the platform and ceiling.

26. Furthermore, it would have been obvious to one of ordinary skill in the art at the time of the invention to attach the shell panels disclosed by Lazar to a ceiling by a transom riser section offset from the plane of a shell panel as taught by Seki to provide a flush wall surface.

27. **Regarding claim 7**, Lazar discloses an elevator cab 26 construction including a platform 26 and a ceiling 80, shell panels 50, 60, 70 forming the interior walls of the elevator cab 26 attached to the ceiling 80 and platform 26, vertical interior stiffeners 69, 79 formed on the shell panels 50, 60, 70 from the panel material to provide stiffening, decorative panels mounted on the shell panels on the interior of the cab between the vertical stiffeners

28. Lazar is silent concerning shell panels attached to the ceiling and platform by a base and transom, which base and transom are both channel-shaped and both offset outwardly from the vertical plane of the shell panels toward the elevator interior, vertical hat-shaped interior stiffeners, vertical corner trim stiffeners in the corners of the cab to support the shell panels, and decorative panels mounted on the shell panels on the interior of the cab between the vertical stiffeners.

29. Brounn teaches an elevator cab construction including a platform 11 and a ceiling 14, a base 35, 59, 62 and transom 34, 56, 61 attached to the ceiling 14 and platform 11 which are channel-shaped, vertical interior stiffeners 38, 39, 60, 65 to

provide stiffening, and decorative panels 28, 29, 30, 45, 46, 52, 53 mounted on the interior of the cab between the vertical stiffeners 38, 39, 60, 65.

30. It would have been obvious to one of ordinary skill in the art at the time of the invention to attach the shell panels disclosed by Lazar to a platform by a base section and to a ceiling by a transom riser section as taught by Brounn to facilitate a rigid elevator cab and the connection between the shell panels and the platform and ceiling.

31. Furthermore, it would have been obvious to one of ordinary skill in the art at the time of the invention to mount decorative panels as taught by Brounn on the shell panels on the interior of the cab and between the stiffeners disclosed by Lazar to provide a decorative finish to the interior of the elevator cab.

32. Seki teaches base and transom, shown as the top and bottom portion of side plate 3, which base and transom are both channel-shaped and both offset outwardly from the vertical plane of the shell panels, referred to as reinforcement 9, toward the elevator interior.

33. It would have been obvious to one of ordinary skill in the art at the time of the invention to attach the shell panels disclosed by Lazar to ceiling and platform by a base and transom, which base and transom are both channel-shaped and both offset outwardly from the vertical plane of the shell panels toward the elevator interior as taught by Seki to provide a flush wall surface.

34. Norihisa et al. teaches an elevator cab including a platform and a ceiling, shell panels 21 forming the interior walls of the elevator cab attached to the ceiling and

platform, and vertical hat-shaped interior stiffeners 25 formed on the shell panels 21 to provide stiffening.

35. It would have been obvious to one of ordinary skill in the art at the time of the invention to form vertical hat-shaped interior stiffeners as taught by Norihisa et al. to the shell panels disclosed by Lazar to facilitate stiffening of the shell panels.

36. Akira teaches an elevator cab construction including a platform 8 and a ceiling 12, shell panels 1 forming the interior walls of the elevator cab attached to the ceiling 12 and platform 8, and vertical corner trim stiffeners 3, 4 in the corners of the cab to support the shell panels 1

37. It would have been obvious to one of ordinary skill in the art at the time of the invention to include stiffeners as taught by Akira on the interior of the shell panels disclosed by Lazar to facilitate support.

38. **Regarding claim 8**, Lazar is silent concerning decorative panels are approximately the same thickness as the vertical stiffeners.

39. Brounn teaches decorative panels 28, 29, 30, 45, 46, 52, 53 are approximately the same thickness as vertical stiffeners 38, 39, 60, 65, shown in Figure 2.

40. It would have been obvious to one of ordinary skill in the art at the time of the invention to make the decorative panels as taught by Brounn approximately the same thickness as the vertical stiffeners disclosed by Lazar to facilitate the internal width and depth of the elevator cab.

41. **Regarding claim 9**, Lazar is silent concerning the vertical stiffeners are hat-shaped.

42. Norihisa et al. teaches vertical stiffeners 25 that are hat-shape

43. It would have been obvious to one of ordinary skill in the art at the time of the invention to attach vertical stiffeners are hat-shaped as taught by Norihisa et al. to the shell panels disclosed by Lazar to facilitate stiffening of the shell panels.

44. **Regarding claim 10**, Lazar is silent concerning the shell panels have openings to the elevator shaft to provide ventilation through hat-shaped vertical stiffeners.

45. Sherwood et al. teaches shell panels, referred to as panel member 50, having openings, referred to as ventilating openings 68, 70, to the elevator shaft to provide ventilation.

46. It would have been obvious to one of ordinary skill in the art at the time of the invention to have openings as taught by Sherwood et al. on the shell panels disclosed by Lazar to facilitate ventilation within the elevator cab.

Response to Arguments

47. Applicant's arguments filed 09/18/2006 have been fully considered but they are not persuasive.

48. In response to applicant's argument "Akira does not show stiffeners on the interior of the shell panels to provide suitable support as required by claim 1. Akira only discloses corner pillars, not stiffeners on the interior of the shell panels" applicant provides no support for why pillars 3 and joints 4 cannot be considered stiffeners.

49. In response to applicant's argument that there is nothing in the prior art to suggest combining Lazar U.S. Patent No. 4700809 in view of Akira JP Publication No.

06-144748. The examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. Firstly, it should be noted that there is no requirement that an express, written suggestion to combine must appear in prior art references before a finding of obviousness. In addition to the teachings of the references themselves, the suggestion to combine references may be found in the nature of the problem to be solved or the knowledge of persons of ordinary skill in the art. Furthermore, while there must be a motivation to make the claimed invention, there is no requirement that the prior art provide the same reason as the applicant to make the claimed invention. In this case, the suggestion to combine Lazar U.S. Patent No. 4700809 in view of Akira JP Publication No. 06-144748 comes from knowledge of persons of ordinary skill in the art that adding corner pillars would provide a stiffer elevator cab.

50. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

51. In response to applicant's argument "There is no disclosure that the columns act as "stiffeners on the interior of [the] shell panels to provide suitable support"" applicant provides no support for why intermediate columns 38, 39, 60, 65 are not stiffeners.

52. In response to applicant's argument "any structure that may comprise a decorative finish is mounted on top of support structures, not in between" although Brounn teaches decorative panels, referred to as wall panels 28, 29, 30, 45, 46, 52, 53, mounted on top of stiffeners, referred to as intermediate columns 38, 39, 60, 65, this does not prevent the decorative panels from also being mounted between the stiffeners 38, 39, 60, 65.

53. In response to applicant's argument "Sherwood only provides ventilation holes, and does not disclose the stiffeners on the inside of the shell panels, and decorative panels there between, whereby ventilation through the stiffeners would then be provided by openings in the shell panels" Sherwood is merely provided for the teachings of shell panels having opening to the an elevator shaft to provide ventilation.

54. In response to applicant's argument "Norisha does not disclose or suggest the stiffeners... Nor is there any disclosure in Norisha that structures 25 are stiffeners" applicant provides no support for why structures 25 cannot be considered stiffeners.

55. In response to applicant's argument "Broun does not disclose or suggest providing decorative panels that are "approximately the same thickness as [the] vertical stiffeners and extend inwardly from [the] shell panels." Broun clearly depicts decorative panels that are approximately the same thickness as vertical stiffeners in Figures 1 and 2.

Conclusion

Applicant's amendment "a base and transom which base and transom are both channel-shaped and both offset outwardly" necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Pico whose telephone number is 571-272-5589. The examiner can normally be reached on 6:30AM - 3:00PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Matecki can be reached on 571-272-6951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EEP

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